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U.S. DISTRICT COURT OF OHIO
EASTERN DIVISION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

NORMAN ROSE,

Plaintiff,

vs.

REGINALD WILKINSON, et al.,

Defendants.

) CASE NO. 1:05 CV 192
)
) JUDGE DAN AARON POLSTER
)
) MEMORANDUM OF OPINION
) AND ORDER
)
)
)

Before the Court is the Motion to Compel Defendants to Serve Plaintiff with a Copy of All Filings ("Motion to Compel") filed by *pro se* Plaintiff Norman Rose on April 25, 2006 (**ECF No. 40**). Defendants filed a timely response brief. *ECF No. 42*. For the following reasons, the Motion is **GRANTED** in part and **DENIED** in part.

A few months before this motion was filed, Defendants filed notice that they would be taking the deposition of Mr. Rose. *ECF No. 30*. Defendants later relied on this

deposition in support of their motion for summary judgment. *ECF No. 37*. An electronic version of the deposition was filed concurrently with the motion for summary judgment. *ECF No. 36*. Plaintiff did not receive a copy of this deposition and therefore asks the Court to direct Defendants to serve him with a copy of the deposition. *Motion to Compel* at 2. Plaintiff does not provide any authority in support of this request. If Plaintiff wishes to obtain a transcript of his deposition he must either: (1) obtain a copy at his own cost from the court reporter who took the deposition; (2) obtain a copy from the Clerk's office by preparing a copy request form, available on this Court's website, for \$.50 per page (this form may be submitted online or to the Clerk's office); (3) view the deposition online at the public access terminal (located on the first floor of the courthouse) and print the deposition for \$.10 per page; or (4) register with the Clerk's office to receive "read-only" access to the Court's electronic filing system and electronic notice of filings. With this option, Plaintiff may access the electronic filing system from his own computer. User fees for viewing and printing documents pursuant to this final option are available at the Clerk's office. The phone number is 216-357-7000.

Plaintiff further requests an order directing Defendants to serve him with a copy of "any and all documents the defense files or has filed in the Court that relates to this case" *Motion to Compel* at 2. It is not clear what documents Plaintiff is referring to. If Plaintiff is referring to pleadings and briefs, the record reflects that Defendants served Plaintiff with those materials via U.S. mail,¹ with the exception of three documents: the notice of appearance of Attorney Michael Wise, the notice of appearance of Assistant Attorney General René

¹Because Plaintiff is *pro se*, he is not required to have access to receive electronic notice of filings via the Court's electronic filing system. *See* Local Rule 5.1(c).

Rimelspach, and Defendants' Answer to the amended complaint. *ECF Nos. 6, 23, 24*. Neither Mr. Wise nor Ms. Rimelspach currently serves as counsel for Defendants, and therefore the Court denies the motion to the extent that Plaintiff seeks an order directing Defendants to serve Plaintiff with these notices of appearance. However, Plaintiff should have been served with a copy of Defendants' Answer to the amended complaint. **Accordingly, Defendants shall serve Plaintiff with a copy of this pleading via U.S. mail.**

If, on the other hand, Plaintiff's request for service refers to those documents that were produced during discovery and relied upon in Defendants' motion for summary judgment, his request is denied. The only evidentiary material referenced in Defendants' summary judgment motion is Plaintiff's deposition, and the Court has already provided Plaintiff with several options for obtaining that document.

For the reasons stated herein, Plaintiff's Motion to Compel (**ECF No. 40**) is hereby **GRANTED** in part and **DENIED** in part.

IT IS SO ORDERED.



Dan Aaron Polster
United States District Judge